

SENATE BILL 2352

By Henry

AN ACT to amend Tennessee Code Annotated, Title 70, Chapter 4, Part 1, relative to hunting big game in residential areas in counties having a population in excess of two hundred fifty thousand (250,000) according to the 1990 federal census or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-4-116, is amended by adding the following new subsection:

(g)(1) As used in this subsection:

(a) "Municipality" means an incorporated town or city and the urban services district of a metropolitan government;

(b) "Residential area" means a parcel of real property which:

(i) is five (5) acres or less in size;

(ii) contains a dwelling unit for human habitation;

(iii) is located within the boundaries of a municipality; and

(iv) is located within a county having a population in excess of two hundred fifty thousand (250,000) according to the 1990 federal census population or any subsequent federal census.

(2) It is unlawful to hunt, pursue, capture, possess, transport, store or take big game in a residential area.

(3) The first violation of this subsection is a Class B misdemeanor, punishable only by a fine of \$500. A second or subsequent violation of this subsection is a Class B misdemeanor. It is mandatory upon the court to impose the prison sentence, upon conviction for a second or subsequent offense, and the prison sentence is not subject to suspension.

(4) In the prosecution of second or subsequent offenders, the indictment or presentment must allege the prior conviction for violating any of the provisions of this subsection, setting forth the time and place of each such prior conviction. The court shall prohibit such convicted person, either a first or subsequent offender, from hunting, fishing or trapping in this state for a period of one (1) year.

(5) An owner of a residential area may destroy big game in accordance with the provisions of Tennessee Code Annotated, Section 70-4-115.

SECTION 3. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.